

REMARKS

Applicants respectfully request reconsideration of the above-referenced application in light of the amendments above and arguments below.

Claims 1 and 3-18 are rejected under 35 U.S.C. § 101. Claims 1 and 3-18 are rejected under 35 U.S.C. § 112. Claims 19-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Boyden.

In response to Office Action, claim 1 has been amended to address some of the formal concerns the Examiner raised under the §112 rejection. Applicants submit that the amendment to claim 1 is mere semantics; form over substance. The language merely emphasizes what was implicit in the claim from the outset.

Claims 2, 9, 11-13 and 21 were amended to provide consistency in the claim language, specifically identifying the server as the "system server" consistent with claim 1.

Turning to the substantive and formal rejections, claims 1 and 3-18 are rejected under 35 U.S.C. § 101. The claims were considered not to provide a practical application to produce a useful result. Applicants respectfully traverse the rejection.

First, applicants respectfully disagree with the Examiner. There is utility if applicants have asserted that the claimed invention is useful for any practical purpose (i.e., as a specifically substantial utility) and the assertion would be considered credible by a person of ordinary skill in the art. Here a rejection cannot be imposed based on lack of utility. MPEP 2107. The claims sufficiently support the ultimate resale of a vehicle.

The claim as presented is specific as to the steps required for the resale of a vehicle. There is no requirement that each and every step be included in the claim, otherwise there would be no need for dependent claims. The steps are specific including the downloading of auction data, storing the downloaded data, providing access to the system server and data by way of a website; allowing a user to access

the system server in order to consign the vehicle to one of a plurality of auctions and the steps necessary to enter a vehicle into the system for consignment. These steps are significantly substantial as they are the basic, but not all-inclusive, steps for consigning the vehicle to the auction.

As clearly taught in the specification, all of these steps are credible and make up a significant portion of the method required to resell vehicles. Applicants submit that there is no requirement that the broadest concept of the invention require the actual resale limitation as suggested, merely the novel method steps for the resale of vehicles, which here include the steps for provisioning the vehicle with information about the vehicle, and consigning the vehicle utilizing the information to one of a plurality of auctions. The claims have been amended to emphasize the implicit consignment of the vehicle. Applicants submit that the claim does have the sufficient utility to comply with 35 U.S.C. § 101, both before amendment and after.

Claims 3-18 depend either directly or indirectly from claim 1 and merely provide more specificity for the method, all the steps of which are credible as clearly taught in the specification. The active steps of reselling the vehicles are provided. Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 101.

Claims 1 and 3-18 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse the rejection.

Claim 1 has been amended in form, not substance, to clarify the method steps. Specifically, claim 1 has been amended to more particularly define what was always implicit, that the vehicle information about the vehicle is input into the system server and that it is the system server which transmits the adjusted floor price to the previously referenced one of the plurality of auctions.

Claims 3, 11 and 11-13 have been amended to provide proper antecedent basis for the specific auction and the system server. Accordingly, Applicants submit that any rejections under 35 U.S.C. § 112 have been obviated and request the withdrawal of the rejection.

Claim 19-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Boyden. Applicants respectfully traverse the rejection.

Claim 19 had been amended to substantially conform to a server and distributed network for performing the functionality of claim 1. Accordingly, Applicants submit that claim 19 for reasons stated in the parent application is allowable over the prior art.

Claim 21-25 depend from claim 1, either directly or indirectly, and define patentable combinations in their own right as well as depending from allowable claim 19. Applicants respectfully request the withdrawal of the rejection of claims 19-25 under 35 U.S.C. § 102.

Applicants submit that they have placed the application in condition for allowance. If the Examiner is unable to issue an immediate Notice of Allowance, the Examiner is respectfully requested to telephone the undersigned attorney with a view towards discussing the outstanding issues.

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Respectfully submitted,

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